

The State of South Carolina

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Office of the Attorney General

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May 28, 1987

James L. Bridges, Esquire  
Deputy County Attorney  
2 Courthouse Square  
Charleston, South Carolina 29401-2243

Dear Mr. Bridges:

I am in receipt of your recent letter. It is my understanding that you are inquiring when an act that must be precleared is effective, the date the Governor signs it or the date the Justice Department preclears the act.

In general, any act that is covered by the Voting Rights Act is not enforceable until it receives preclearance from the Justice Department. Therefore, in general, the date of preclearance and not the date the Governor signs it into law would control the date an act may be enforced. See 42 U.S.C. §1971 et seq.; NAACP v. Hampton County, \_\_\_\_ U.S. \_\_\_\_, 105 S.Ct. 1128, 84 L.Ed.2d 124 (1985)

However, the above only represents the general law in this area. As I am not familiar with the specifics of the Charleston/Colleton County annexation, I can not address the question of the specific date that Colleton County acquired or will acquire the area of land they annexed from Charleston as this would depend on several variables such as the specifics of the Acts involved, the necessity of their submission, and the dates of preclearance.

As our Office can not make such factual determinations on behalf of the county, if you have any further questions regarding this issue, I would refer you to the statutory provisions on the Voting Rights Act and the case law interpreting

James L. Bridges, Esquire  
May 28, 1987  
Page 2

these provisions. You may also want to consult with the United States Department of Justice which administers the Voting Rights Act as to any specific questions you may have regarding the preclearance of this annexation.

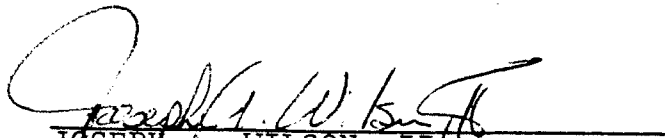
Sincerely yours,



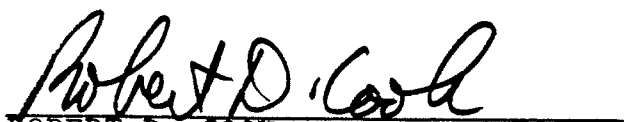
Treva G. Ashworth  
Senior Assistant Attorney General

TGA:ss

REVIEWED AND APPROVED BY:



JOSEPH A. WILSON, II  
DEPUTY ATTORNEY GENERAL



ROBERT D. COOK  
EXECUTIVE ASSISTANT OPINIONS